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Hearing Date: June 15, 2022
Opposition Date: April 26, 2022
Reply Date: May 26, 2022

Attorneys for the Defendants in Adversary Proceeding No. 11-02569 (CGM)

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Liquidation of Bernard L. Madoff Investment
Securities LLC,

Plaintiff,

v.

BARCLAYS BANK (SUISSE) S.A.,
CAIXABANK S.A., as successor by merger to
Barclays Bank S.A., and ZEDRA TRUST
COMPANY (JERSEY) LIMITED (f/k/a
Barclays Private Bank & Trust Limited),

Defendants.

Adv. Pro. No. 11-02569 (CGM)

ORAL ARGUMENT REQUESTED

NOTICE OF MOTION TO DISMISS THE COMPLAINT

PLEASE TAKE NOTICE that, upon the accompanying Declaration of Marc J. Gottridge dated February 25, 2022 and the exhibits thereto, the Barclays Defendants' Memorandum of Law in Support of their Motion to Dismiss the Complaint dated February 25, 2022, and upon all prior pleadings and proceedings herein, defendants Barclays Bank (Suisse) S.A., Caixabank S.A., as successor by merger to Barclays Bank S.A., and Zedra Trust Company (Jersey) Limited (f/k/a Barclays Private Bank & Trust Limited) (together, the "Barclays Defendants"), will move this Court, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, made applicable here by Rule 7012(b) of the Federal Rules of Bankruptcy Procedure, on June 15, 2022, at 10:00 a.m. prevailing Eastern Time, before the Honorable Cecelia G. Morris, Chief Judge, for an order dismissing in its entirety the Complaint filed in this action by Plaintiff Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC (ECF No. 1), as amended by the Stipulation and Order entered on December 15, 2021 (ECF No. 119).

PLEASE TAKE FURTHER NOTICE that, pursuant to the Stipulation and Order entered on December 16, 2021 (ECF No. 121), all papers responsive to the Barclays Defendants' Motion to Dismiss the Complaint shall be served and filed no later than April 26, 2022, and all reply papers in further support of the Barclays Defendants' Motion to Dismiss the Complaint shall be served and filed no later than May 26, 2022.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 7012(b) of the Federal Rules of Bankruptcy Procedure, the Barclays Defendants do not consent to the entry of final orders or judgment by this Court.

Dated: New York, New York
February 25, 2022

**HERBERT SMITH FREEHILLS
NEW YORK LLP**

By: /s/ Marc J. Gottridge
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by merger to Barclays Bank S.A., and Zedra
Trust Company (Jersey) Limited (f/k/a
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